REMARKS

This communication is in response to the Office Action mailed June 12, 2003.

Applicants' undersigned attorney thanks the Examiner for the telephone interview on Wednesday, July 2, 2003 to put the claims in condition for allowance. The discussion below includes the substance of the interview discussion.

The Office Action allowed claims 1-22, 26-29, and 31-39. Claims 23-25, 30, 40-43, 48-50, 53-64, 67, 68 and 70 were rejected as anticipated under 35 USC 102(b) by the Marshall-DeCuir reference. (*See* page 2 of Office Action for complete list of rejected claims.) Claims 44-47, 51, 52, 65, 66, 69 and 71 were identified as allowable if stated in independent form. Claim 23-25 and 30 have been cancelled without prejudice. Claim 40 has been amended. New claims 72-81, corresponding to the objected to claims, have been added. Claims 1-22, 26-29 and 31-82 are under consideration.

The Examiner has previously explained that the rejection of claim 30 (a product-by-process claim dependent from process claim 26, 27, 28 or 29) might be withdrawn if applicants show that the product of their claimed vertical boat process differs from the product of the cited reference's Czochralski process. Applicants contend that the claimed product is different, as a result of the different manufacturing process; however, they also recognize that 35 U.S.C. § 271(g) provides an adequate remedy for infringement by products made by any of the processes claimed in their application.[1] Therefore, claim 30 has been cancelled without prejudice, in order to place this application in condition for prompt allowance.

Claim 40 has been amended to include requirements relating to formation of the crystal in a boat. The Examiner's Reasons for Allowance, at page 3 of the Office Action,

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[1] Whoever without authority imports into the United States or offers to sell, sells, or uses within the United States a product which is made by a process patented in the United States shall be liable as an infringer, if the importation, offer to sell, sale, or use of the product occurs during the term of such process patent. In an action for infringement of a process patent, no remedy may be granted for infringement on account of the noncommercial use or retail sale of a product unless there is no adequate remedy under this title for infringement on account of the importation or other use, offer to sell, or sale of that product. A product which is made by a patented process will, for purposes of this title, not be considered to be so made after —

(1) it is materially changed by subsequent processes; or

(2) it becomes a trivial and nonessential component of another product.

35 U.S.C. § 271(g).

distinguish claims that require the crystal to be formed in a boat from the Marshall-DeCuir reference. During the interview, the Examiner confirmed that if claim 40 were so amended, it and its dependent claims (including rejected claims 41-43, 48-50, 53-64, 67, 68 and 70, and objected to claims 44-47, 51, 52, 65, 66, 69 and 71) would be allowable over the Marshall-DeCuir reference.

Applicants have added new claims 72-81, corresponding to the objected to claims 44-47, 51, 52, 65, 66, 69 and 71, which the Office Action had indicated would be allowable in independent form.

Please charge our Deposit Account No. 06-1050 for the fees for added claims and any other fees which may be due at this time.

Respectfully submitted,

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John B. Pegram
Reg. No. 25,198

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

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